

**RULES OF THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
LUCAS COUNTY, OHIO
Effective January 1, 2004**

Judge David Lewandowski

Judge Norman Zimmelman

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**RULES OF THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
LUCAS COUNTY, OHIO**

Effective January 1, 2004

**RULE 1
GENERAL RULES**

1.01. Adoption, Scope and Construction of Rules.

- (A) It is ordered that the Domestic Relations Court for Lucas County, Ohio shall adopt the following Rules for the management of proceedings of the Court pursuant to Article IV, Section five (5) of the Ohio Constitution, Rules of Superintendent of the Supreme Court or as required by law.
- (B) The Domestic Relations Division hereby adopts the following rules promulgated by the General Division on March 1, 1972, (with changes through July, 1989): Rules one (1); Two (2); Four (4); Five (5); and Six (6). October 1, 1995 (Rules 1.01 and 2.02)
- (C) These rules shall be effective January 1, 2002, and supersede all previous rules promulgated by this Court.

**RULE 2
COURT COSTS**

The Clerk shall not accept any pleading for filing without a deposit unless said pleading is filed with a request for suspension of costs and is accompanied with a poverty affidavit. The Clerk shall charge the following deposits:

<u>Divorce, Legal Separation, Annulment, Full Faith & Credit</u> (no minor child)	\$172.00
<u>Divorce, Legal Separation, Annulment, Full Faith & Credit</u> (with a minor child)	\$222.00
<u>Counter-claim for divorce, legal separation, annulment</u> <u>Or cross-complaint or third-party complaint/motion</u>	\$100.00
If the Court determines that the deposit is insufficient to pay costs, then the Court may order additional sums from either or both parties at any scheduled hearing, pre-trial or trial.	
<u>Petition for Dissolution of Marriage</u> (no minor child)	\$167.00
<u>Petition for Dissolution of Marriage</u> (with a minor child)	\$217.00
<u>Consent motion for shared parenting with plan</u> (additional deposit with petition for dissolution, or post-judgment motion)	\$50.00
<u>Service of summons on non-resident defendant by Sheriff</u> <u>in another county</u>	\$40.00
<u>Service of subpoena on non-resident defendant by Sheriff</u> <u>in another county</u>	\$40.00
<u>Motion to add a party defendant</u> (excluding a minor child or guardian ad litem for minor or incompetent)	\$10.00
<u>Post-judgment/decreed motion to vacate, revise or modify</u> (unless a motion to enforce, modify or establish residential parent/visitation or companionship)	\$100.00
<u>Post-judgment/decreed to enforce, modify or establish</u> <u>residential parent/visitation or companionship or make-up visitation</u>	\$150.00
<u>Consent Judgment Entry not requiring a hearing</u>	\$25.00

Posting a bond with the Clerk of Courts \$10.00

Ex-parte motion post-judgment re: terminating or
modifying status of residential parent \$150.00

Motion to re-instate a cause \$25.00

The Clerk of Courts shall add as costs the following:

Referral for Mediation \$50.00

Counseling Investigation for contested residential parent
status, visitation and companionship \$250.00

Counseling Investigation for contested residential parent
status, visitation or companionship, post judgment \$300.00

Additional funds are required for computerized legal services. Accordingly, the clerk or deputy clerk of the division is authorized and directed to charge one additional fee of \$3.00 on the filing of each cause of action or appeal under section 2303.20 of the Revised Code, which shall be in addition to the filing fees and the charging of costs as directed by this order.

Additional funds are required to computerize the office of the Clerk of Court of Common Pleas. Accordingly, the Clerk of Court is authorized and directed to charge an additional fee of \$10.00 on the filing of a cause of action or appeal; or an additional fee of \$5.00 for docketing and indexing each petition to vacate, revise, or modify a judgment, under section 2303.20 of the Revised Code which shall be in addition to the filing fees and costs as directed by this order.

These fees and charges are in addition to, and not in lieu of any fees and charges previously set by statute and court order which are not in contradiction to the fees and charges stated above. At the conclusion of any pending divorce, dissolution, or legal separation, the Clerk of Court shall determine if all costs have been paid. Unless otherwise set forth in the court's order, the Clerk of Court shall assess all excess court costs to the plaintiff in the action. At the conclusion of any post decree action, the Clerk of Court, unless otherwise set forth in the court's order, shall assess all excess court costs to the movant in the action. The Clerk of Court shall charge as costs all postage fees as established by statute.

RULE 3 FILING AND REMOVAL OF PAPERS FROM CUSTODY OF THE CLERK

3.01. Filing of Papers.

- (A) The Clerk of Courts shall file and preserve all papers delivered to him for that purpose.
- (B) No judgment entry shall be accepted or journalized on the Clerk's docket until it is approved by the assigned Judge or Magistrate.

3.02. Removal of Papers.

- (A) Removal.
No person, except a Judge, Magistrate, Court Counselor, or their representative, shall remove any documents or case files from the custody of the Clerk of Courts.
- (B) Examination.
Upon request, the Clerk shall allow any person to examine, but not remove, any original document or case file that is maintained by its office. Examination shall be allowed during the regular business hours of the Clerk.
- (C) Duplication.
Upon request and the payment of fees fixed by law, the Clerk shall provide copies of any original document maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk. A reasonable period of time shall be based upon the size of the request with efforts toward a twenty-four (24) hour response time upon payment of the fee.

RULE 4 ASSIGNMENT OF DOMESTIC RELATIONS CASES

4.01. The Judges of the Court of Common Pleas Division of Domestic Relations shall designate an

Assignment Commissioner for divorce, legal separation, annulment, dissolution of marriage, and all other cases filed in the division.

- 4.02. Upon the filing of a dissolution of marriage, the case shall immediately be set for hearing by the assignment commissioner.
- 4.03. The Assignment Commissioner shall assign for final hearing all uncontested and contested divorces, legal separations, annulment, and all other cases filed in the division. The Clerk shall notify by mail all counsel of record or the parties, if not represented by counsel, not less than one (1) week in advance of day and hour set and shall advertise same in the official law journal not less than three (3) consecutive days including the trial date.
- 4.04. A divorce or legal separation case shall be deemed uncontested unless an answer is filed within twenty-eight (28) days after service of the summons and complaint upon the defendant. If the service of notice has been made by publication, defendant shall file an answer within twenty-eight (28) days after the completion of service of publication. When such a case has been duly assigned and advertised for final hearing as an uncontested case, the defendant may not introduce evidence on his behalf except by leave of Court with good cause shown.
- 4.05. Pursuant to the Ohio Rules of Civil Procedure, Rule 75 (J), no action for divorce, legal separation, or annulment may be heard and decided until the expiration of forty-two (42) days after the service of process or twenty-eight (28) days after the service of a counter-claim, which under this rule may be designated a cross-complaint, unless the plaintiff files a written waiver of such twenty-eight (28) day period. Once a case is voluntarily dismissed and subsequently refiled, it shall remain assigned to the judge to whom it was originally assigned.
- 4.06. Once a case is assigned for final hearing or trial, it may be continued only by leave of Court for good cause shown.

RULE 5 POWERS OF THE MAGISTRATES

As a result of the amendment of Ohio Civil Rule 53, Magistrates, which became effective July 1, 1995, the Court hereby orders as follows:

- 5.01. All employees of the Court formerly appointed as "Referees" shall be designated as Magistrates and shall be awarded all of the powers set forth in Civil Rule 53, as amended July 1, 1995. The Magistrates are further awarded all other powers as set forth in the statutes of the State of Ohio and the local rules of this Court.
- 5.02. The Magistrates of this Court shall continue to issue Orders and Decisions when the authority to issue orders is specifically conveyed by statute or rule to a Magistrate or Referee.
- 5.03. This Rule shall supersede all prior Orders of Reference.

RULE 6 PLEADINGS

- 6.01. All pleadings and motions shall be legibly typewritten or printed and be double spaced on 8 ½ inch by 11 inch paper (not onion skin). The caption in every pleading, motion and journal entry shall contain the case number, name, address, zip code, social security number and date of birth of each party. Every pleading, motion, and judgment entry shall include the name of the attorney, the firm name, if any, office address, office telephone number, fax number, if any, and the attorney's Ohio Supreme Court number. The face page of all filings shall provide a blank space of at least 2 ½ inches at the top sufficient to permit the Clerk of Courts to add time stamp imprints.
- 6.02. All separation agreements filed with the Court must be on separate paper, typed, styled as a separation agreement, and not included in the body of the pleadings.
- 6.03. All Complaints shall be accompanied by the following documents:
 - (A) Schedule I;
 - (B) Schedule II, UCCJA Affidavit (If there are minor children);
 - (C) Schedule III and IV may be filed upon good cause shown, not later than thirty (30) days from the filing of the Complaint;
 - (D) Prior six (6) month wage statement or the prior year's W-2 form and tax return.

- 6.04.** All Answers & Counter-claims shall be accompanied by Schedules I, II (if minor children) III, and IV, prior six (6) month wage statement and the prior year's W-2 or tax return.
- 6.05.** Failure of either party to correctly and fully complete any schedule may result in dismissal of the pleadings.
- 6.06.** It shall be the duty of the attorney or party to file sufficient copies of the pleadings so as to be served on all Defendants.
- 6.07.** The Clerk of Courts may not receive for filing any pleadings which do not strictly conform to this rule.

**RULE 7
SCHEDULING AND MOTIONS**

- 7.01.** (A) All motions shall first be scheduled for hearings at the office of the Assignment Commissioner, then be filed with the Clerk of Courts and shall be subject to either affidavit or evidentiary hearings.
- (B) The Assignment Commissioner shall refuse to accept for filing any motion which fails to comply with the Rules of the Court. Motions shall, at the time of filing, be set for hearing at a time and date certain by the Assignment Commissioner. Said motion shall not be set for hearing within seven (7) days of the date filed, except with the prior approval of the assigned Judge or Magistrate.
- (C) The Assignment Commissioner shall not set more than two (2) evidentiary hearings or one (1) trial per half day for the moving attorney.
- 7.02.** (A) Service on motions related to a pending case:
- The moving party or his counsel shall notify opposing counsel of record (or the opposing party if unrepresented) of the time, date and place of hearing. Counsel shall certify on the original motion that he has given such notification, and has mailed the motion on the date the motion was filed.
- (B) All motions which relate to post-decree matters must be served on the opposing party pursuant to the Ohio Rules of Civil Procedure or applicable statute.
- 7.03.** 75 (N) Orders.

Either party may request the Court to establish temporary orders during the pendency of an action. Requests for temporary orders shall be made by the filing of a court-approved affidavit requesting a Civil Rule 75 (N) order. The affidavit shall be properly completed and shall be filed with the Clerk of Court. Included with the affidavit, if not already filed, shall be Schedule I, II, III and IV, and current income information such as pay-stubs with year-to-date earnings, W-2 information, or the prior year's income tax return.

The Assignment Commissioner shall not accept the filing of the request for Affidavit Order until service of the Complaint has been accomplished. The moving party shall provide said proof to the Assignment Commissioner. Upon proof of service, the Assignment Commissioner shall set the Request for Affidavit Order upon the Magistrate's docket. Docketing shall be set no sooner than 17 days from the date of the movant's motion. Upon the filing of a Request for Affidavit Order, the opposing party shall be mailed a copy of the pleadings. The opposing party may submit a Counter-Affidavit, and, if no Schedule I, II, III or IV has been filed, the opposing party shall file same with the Clerk of Court within 14 days of the date of filing of the movant's affidavit. The opposing party shall also submit a pay stub with year-to-date earnings, a W-2 form, or the prior year's income tax return. No continuances shall be granted either party concerning the scheduling of the affidavit hearing.

The Court shall consider the sworn affidavits of the parties and may, upon review of same, issue an Order concerning the relief requested. The Court may, upon review of the affidavits submitted, refuse to issue a 75 (N) order, or may set the matter for evidentiary hearing.

Upon the issuance of a 75 (N) order, either party may request an evidentiary hearing to have the Court consider modification of its prior Order. A request for an evidentiary hearing pursuant to Civil Rule 75 (N) must be filed in the Clerk of Courts office within twenty-eight (28) days of the issuance of the order.

The Assignment Commissioner shall, upon the filing of a request for evidentiary hearing, set the matter for hearing upon a Magistrate's docket.

7.04. Dockets.

The scheduling of cases to be heard by the assigned Magistrate shall be in the following manner:

- (A) Request for the establishment of 75(N) orders shall be set upon the Affidavit Orders docket.
- (B) Request for evidentiary hearings shall be set upon the assigned Magistrate's docket at 8:30 A.M. or 1:30 P.M.
- (C) No special hearing times shall be set without the prior approval of the Judge or assigned Magistrate.
- (D) Modification of the allocation of parental rights and responsibilities, issues related to visitation and companionship and Ohio Department of Jobs and Family Services motions are not subject to the foregoing times, and may be set on pre-trial dockets or for half or full day hearings.

7.05. Schedules.

The following documents shall be filed with any motion to modify or establish child support and/or modify spousal support: Schedule I, Disclosure; Schedule V, Expenses; the preceding year's W-2 or 1040; and a statement from the party's employer of all wages received in the preceding six (6) months.

A motion to modify the prior order for the allocation of parental rights and responsibilities shall be accompanied by the filing of a completed Schedule II, UCCJA AFFIDAVIT.

Failure to complete and file these documents may result in dismissal. Failure to file the Schedule II, when required by statute or local rule, shall result in the dismissal of the motion. The opposing party shall deliver copies of his or her completed schedules and the above income information to the moving party and to the Court prior to the commencement of the hearing.

7.06. IV-D and Health Insurance.

- (A) All motions requesting that child support or spousal support be established or modified must be accompanied by a completed IV-D application signed by the Obligee.
- (B) All orders of the Court in which a child support order has been established or modified shall contain a provision designating one, or both parties, as being required to obtain or maintain health insurance coverage for the minor children. Where health insurance is not available to either party at a reasonable cost, the order shall direct the parties to notify the CSEA upon obtaining coverage and shall set forth a method of payment of medical costs.

7.07. Caption and Mandatory Language.

An original motion shall contain the following:

- (A) Name, address, social security number, and date of birth of the Plaintiff and Defendant.
- (B) A motion to modify a prior order should include a reference to the date and language of the prior order, the reasons for requesting a modification, and the change requested.

7.08. Consent Motion.

A motion to modify a prior order related to the allocation of parental rights and responsibilities may be submitted with a consent judgment entry signed by both parties, if the custodial or residential parent is represented by counsel. No hearing need be scheduled. If the party relinquishing the status of residential parent is unrepresented, the case must be scheduled for hearing.

7.09. Lump Sum Judgment and Motion to Show Cause.

All motions for lump sum judgment or to show cause shall contain the following:

- (A) A reference to the date and language of former order on which the motion is based;
- (B) The facts constituting the violation;
- (C) In filing a motion for failure to pay support, the motion must include a statement from the Ohio Department of Jobs and Family Services, not older than forty-five (45) days from the date of filing. The Court may dismiss any motion which fails to comply with this rule.

7.10. Domestic Violence.

In hearings resulting from a petition of domestic violence or subsequent motions the following shall apply:

- (A) Hearings shall be set within (10) ten days of the issuance of the ex parte order before the assigned Magistrate; Hearings involving exclusive use of the residence shall be set within seven days of the issuance of the Ex parte Order;
- (B) No continuances will be granted to the Petitioner without the consent of the Respondent;
- (C) Respondent may request, at the time of hearing, a continuance to obtain counsel which may be granted upon his or her waiver of the right to a hearing pursuant to R.C. 3113.31
- (D) and provided that the ex parte order remain in effect until the next hearing.

7.11. Attorney Fees.

Requests for attorney fees shall contain the following:

- (A) The request shall be in writing;
- (B) It shall be itemized as to services rendered;
- (C) It shall contain the number of hours and the hourly rate for each service rendered.

Failure to attach a fee schedule in compliance with the foregoing may result in the denial of the request of fees. The Court shall retain the right to award attorney fees to opposing counsel, without the filing of a written motion, upon a finding that the motion was spurious; that there was undue delay in proceeding with the case; that there was an unexcused absence; or for good cause shown.

7.12. Continuances.

- (A) Granting of

All requests for continuances, except in emergencies, shall be by written motion on a form approved by the Court. The movant shall first attempt to secure consent of the opposing party; set forth in the motion whether consent was obtained or denied; and shall state the number of prior continuances. The motion shall state the reason for the continuance, endorsed in writing by the party as well as counsel, provided that the Judge or Magistrate may waive the requirement for good cause shown. The party seeking the continuance must obtain a new hearing date prior to requesting the continuance, and shall immediately notify the opposing party or counsel of the Court's ruling on the continuance. All continuances must be approved by a Judge or Magistrate. The decision of the Magistrate shall be final.

- (B) Unavailability of Witness

When a continuance is requested by reason of the unavailability of a witness at the time of the scheduled hearing or trial, the Court may consider alternative methods of recording testimony.

- (C) Conflict of trial assignment dates

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or a different court, the case that was first set for trial shall have priority. The Court will not, unless for good cause shown, consider any motion for continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than thirty (30) days prior to trial.

- (D) Engaged Counsel

If a designated trial counsel has such a number of cases assigned for trial in the courts as to cause undue delay in the disposition of such cases, the Administrative Judge may impose sanctions against said attorney and may impose restrictions on the number of cases that the attorney may participate in at any one time.

7.13. Vacate Premises.

- (A) Contents of Motion

A motion to vacate premises shall state with specificity the reasons for the motion and shall be supported by an affidavit of the moving party setting forth the facts on which the motion is based. The motion shall be set for a hearing before a Magistrate.

(B) When Granted.

A motion to vacate premises may be granted if the movant establishes that the opposing party:

- (1) attempted to cause or recklessly caused bodily injury by acts of physical violence;
- (2) placed a party, by threat of force, in fear of imminent serious physical harm;
- (3) committed any act with respect to a child that would result in the child being an abused child as defined in R.C. Section 2151.031;
- (4) engages in conduct or creates an environment which causes or is likely to cause severe emotional and/or mental stress to the spouse and/or minor children of the parties as defined in R.C. 3113.31;

(C) Ex Parte Orders to Vacate.

No motion to vacate premises shall be granted ex parte. If circumstances warrant, a party can be ordered to vacate the premises on an ex parte basis pursuant to a domestic violence action as provided in R.C. 3113.31.

(D) Orders Restraining Return.

A temporary restraining order may be obtained preventing a party from returning to the premises if such a party has been absent for more than 30 continuous days immediately preceding the filing of the motion. Absence from the premises means the party is no longer residing at the premises.

The motion seeking a temporary restraining order preventing a party from returning to the premises must be accompanied by an affidavit setting forth the approximate date on which the absent party left the premises, the number of days (months) of continuous absence immediately preceding the filing of the motion and any reasons for the absence which is known to the movant.

7.14. Transcripts.

(A) Objections and Motions to Set Aside.

If a finding of fact or the weight of the evidence is a part or all of the basis of an objection or motion to set aside, a transcript of the testimony is necessary to support the objection. The transcript must be filed by the moving party within thirty days of the filing of the objection unless the assigned Judge, in writing, extends the time due to the inability of the reporter to complete the transcript of the testimony.

The moving party shall, within three days of the filing of the objections, make a written request for the transcript using the Court's form. At the time of the ordering of the transcript, the attorney or party shall arrange for payment of the court reporter. An advance deposit may be required and the attorney or party requesting the transcript shall be personally responsible for all costs related to the preparation of the transcript by the court reporter.

Failure to file a transcript, to order a transcript in a timely manner, or to make prompt payment as arranged at the time of the filing of the request is a basis for dismissal of the objection.

(B) Appeals.

Within three days of the filing of the appeal, the moving party shall request a copy of the transcript of the proceedings. The request shall be in writing, using the Court's form. The moving party or attorney shall make arrangements for payment at the time of the request. The court reporter shall not commence the preparation of the transcript until any deposit has been made. The person requesting the transcript shall be personally responsible for the payments of all costs related to the preparation of the transcript unless the court has ordered otherwise.

**RULE 8
PRE-TRIAL & TRIAL RULES**

8.01. Ex Parte Injunctions.

- (A) At the time of the filing of a Divorce or Legal Separation, the Clerk shall forward to each party a copy of the Court's Injunctions. The standard injunctions of the court are as follows:

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
Division of Domestic Relations

Preliminary Injunctions

IT IS ORDERED, PURSUANT TO LOCAL RULE 8.01, EFFECTIVE ON THE DATE A COMPLAINT IS FILED THAT EACH SPOUSE IS ENJOINED FROM COMMITTING ANY OF THE FOLLOWING ACTS:

1. Removing, or causing to be removed, the child(ren) born or adopted by the parties and/or the child(ren) of either or both spouses, if any, from the Court's jurisdiction; and
2. Causing physical abuse, annoying, inflicting bodily injury, attempting to cause or recklessly cause bodily injury, threatening the use of force or imminent physical harm, molesting, following, stalking, bothering, harassing, annoying, interfering with or imposing any restraint on the personal liberty of the other spouse, forcing sexual relations, committing any act with respect to a child in violation of the Revised Code of Ohio; and
3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and necessary transportation; and
4. Selling, removing, transferring, encumbering, pledging, damaging, hiding, concealing, assigning or disposing of any and all property, real or personal, owned by both or either spouse or a child (including household goods, vehicles, financial accounts, and the personal property of each), without the prior written consent of the spouse or the Court. Excluded is any account now used for the payment of living costs; and
5. Voluntarily changing the term of, or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failing to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a spouse or child(ren) born or adopted by the parties; and
6. Voluntarily liquidating, cashing in, changing the beneficiary of, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or a child(ren) born or adopted by the parties and/or of either or both spouses; and
7. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court.

Nothing in the above restraining orders precludes a spouse from using their property to pay necessary and reasonable attorney fees, litigation and court costs in this action.

Judge David Lewandowski

Judge Norman Zimmelman

WARNING

THIS IS AN OFFICIAL COURT ORDER. IF YOU DISOBEY ANY ORDER OF COURT, YOU MAY BE FOUND IN CONTEMPT OF COURT, SENTENCED TO JAIL, FINED, AND ORDERED TO PAY COSTS AND ATTORNEY FEES, IN ADDITION TO ANY OTHER LEGAL REMEDY AVAILABLE TO THE SPOUSE, CHILD OR OTHER DEPENDENT AFFECTED. THIS ORDER IS IN EFFECT UNTIL (1) THE COURT ISSUES AN ORDER WHICH MODIFIES OR TERMINATES IT; OR (2) A FINAL JUDGMENT FOR DIVORCE OR LEGAL SEPARATION IS FILED WITH THE CLERK OF COURTS.

IF YOU ARE IN DISAGREEMENT WITH ANY OF THE ABOVE ORDERS

You or your attorney need to file a written motion with the

Clerk of Courts, Division of Domestic Relations
Family Court Center
429 Michigan, Suite B
Toledo, Ohio 43624
(across from the Lucas County Courthouse)

- (B) All other requests for temporary restraining orders must be set for hearing, except by leave of Court.

- (C) Dissolving of Orders.

Upon the filing of a motion to dissolve ex parte injunctions, the motion shall be set for hearing before the assigned Judge or Magistrate.

- (D) Allocation of Parental Rights and Responsibilities.

No ex parte orders of allocation of parental rights and responsibilities or visitation and companionship shall be issued except in emergency circumstances. The party requesting said order shall make every good faith effort to provide opposing counsel or unrepresented adverse parties with the notice of application to the Court for relief.

- (E) Ex parte contact with the Court.

Except in emergency circumstances, or as otherwise provided by law, a lawyer shall not communicate, or cause another to communicate, as to the merits of any litigation with any Judge or Magistrate of the Court, until final disposition, without adequate notice to opposing counsel and unrepresented adverse parties. Counsel shall not cause to have delivered to the Court any written communication between the counsel or parties during the pendency of the action.

8.02. Discovery Procedures.

- (A) In General.

Civil Rule 26 and 27 shall apply to any action.

- (B) Motion for Protective Orders.

A motion for protective order shall be filed no later than 14 days prior to the date on which response to a discovery request is due or the date of a scheduled deposition, unless it can be shown that it was not possible to file such a motion within such time period. The motion shall state, with specificity, the basis for the protective order and shall state clearly on its face the date on which a response to the discovery request is due or the date of a scheduled deposition.

- (C) Mandatory Disclosure.

Each party has the affirmative duty, within Sixty (60) days of the filing of an Answer or Counterclaim, to disclose to the other party the following information and documents:

- (1) All pension and profit-sharing plans including the most recent plan summary;
- (2) All COBRA benefits to which the other party may be entitled;
- (3) Copies of all real estate deeds, vehicle titles and registration, unless already in the possession of the other party;
- (4) All appraisals of real estate or personal property or any business property in which the party holds an interest;

- (5) Copies of the last three (3) years individual tax returns, unless already in the possession of the other party;
 - (6) Documentary proof of current income from all sources; and
 - (7) Copies of the most recent statements on all bank accounts, IRA's, stock accounts, mortgages, credit card accounts, and other debts.
- (D) No objection as to the admissibility of any document will be entertained at any court hearing;
- (1) If that document was provided to opposing counsel at least fourteen (14) days before the hearing; and
 - (2) Unless the party opposing introduction of the document into evidence files a written objection to the introduction of that document at least seven (7) days before the hearing, setting forth the particular legal objection raised.
- (E) Sanctions.
- Failure to comply with this Rule may result in sanctions pursuant to Civil Rule 37, including but not limited to contempt citation, possible dismissal of claims, or restrictions on the submission of evidence.

RULE 9

PRE-TRIAL CONFERENCES

- 9.01.** A pre-trial conference may be held in every contested case. By leave of Court, an agreed statement of counsel may be permitted in lieu of said pre-trial conference. In the event of an agreed statement in lieu of a pre-trial conference, provision shall be made for scheduling the case for trial.
- 9.02.** The attorneys who will be present at trial may be ordered to attend all pre-trial conferences. A continuance may not be granted on the grounds that the trial attorney is not prepared to go forward if he or she has failed to attend the pre-trial conference.
- 9.03.** All parties in interest may be present at the pre-trial conference.
- 9.04.** The attorneys shall be prepared to:
- (A) Freely discuss the theory or theories of their case, both factual and legal;
 - (B) Discuss the necessity or desirability of amendments to any pleadings or the filing of additional pleadings;
 - (C) Discuss simplification of the issues;
 - (D) Make admissions as to the facts and the genuineness of documents and other exhibits which are not in dispute;
 - (E) Eliminate parties unnecessary to the case;
 - (F) Give the names of witnesses whom they intend to call, and state the general nature of their testimony. If the Court so orders, counsel shall not be permitted to call additional witnesses at the trial, except rebuttal witnesses, unless the names and addresses of said witnesses and the general nature of their testimony are furnished in writing to other counsel of record at the time set by the Court before trial, or upon leave of Court at the trial, for good cause shown;
 - (G) Give the number and nature of exhibits they intend to introduce, and if required by the Court, produce them for examination by the Court or parties;
 - (H) Give the names, addresses, and specialties of any anticipated expert witnesses;
 - (I) Exchange reports of expert witnesses expected to be called by the parties;
 - (J) Exchange medical reports and hospital records;
 - (K) Discuss limitations on the number of expert witnesses;
 - (L) Discuss the necessity of supplementing interrogatory answers or other previous discoverable matters;

- (M) Discuss procedures and time limitations for the completion of any further anticipated discovery;
 - (N) Submit and consider authorities on unique or controverted issues, or guarantee their submission at least seven (7) working days prior to trial;
 - (O) Discuss any other matters that may expedite the trial or disposition of the case.
- 9.05.** The Court may dismiss at pre-trial without further notice to the parties any case for failure to timely file and complete fully Schedules, I, II, III and/or IV with required attachments as to income.
- 9.06.** The Court may decide, or take under consideration for decision, any motions pending in the case at the time of the pre-trial conference.
- 9.07.** Failure of an attorney to be prepared for pre-trial conference;
- failure of a party or attorney to appear; or failure to cooperate in good faith in the conduct of the pre-trial conference, may subject said attorney or party, in the discretion of the Court, to any sanctions provided by Rule 37 of the Ohio Rules of Civil Procedure, including fines or an award of expenses and/or attorney fees to any party prejudiced by said failure. In addition, if counsel, in the event of counter-claim and/or cross-claim is pending, fails to comply with this rule, the Court shall have the authority to proceed with all or any portion of the case; and to decide and determine any or all matters ex-parte upon failure of the plaintiff or defendant to appear in person or by counsel at pre-trial conference in accordance herewith.
- 9.08.** The Court may require the parties to submit a list of proposed witnesses, trial briefs, or any other material to be submitted at the time of pre-trial conference.
- Failure of a party to submit such written items to the Court as ordered may result in the dismissal of the action or the award of attorney fees to the opposing party; or such other sanctions as the Court deems appropriate.

RULE 10 DISMISSAL OF CASES

- 10.01.** Each Judge shall review or cause to be reviewed quarterly all assigned cases. Cases which have been on the docket for six (6) months without any proceedings taken therein, except cases awaiting trial assignments, may be dismissed for want of prosecution.
- 10.02.** The Administrator of the Court Counseling Division of this Court shall review not less than monthly all cases assigned to the Division and notify the Assigned Judge monthly of all cases wherein the party has failed to comply with Rule 15.03. The Assigned Judge may immediately cause said cases to be dismissed.
- 10.03.** Upon failure to comply with any local rule, statute, order, civil rule, or failure to timely journalize, the assigned Judge may, after notice to counsel or a party (if he or she is unrepresented), exercise any sanction provided by the Civil Rules, including dismissal.
- 10.04.** If the movant fails to obtain service upon his complaint or motion within ninety (90) days of filing, the Court may dismiss same for want of prosecution.
- 10.05.** If a case has not been set for further proceedings for a period of three (3) months, the Court may dismiss for want of prosecution.
- 10.06.** Once a case has been dismissed other than upon its merits, no case will be reinstated unless a motion is filed within a reasonable time stating the reason for the request, and serving the same upon opposing counsel, or if there is no opposing counsel, upon the other party or parties. Said cause may immediately be scheduled for pre-trial and trial upon being reinstated. Failure of a party to comply with Rule 15.03 may not be considered as grounds for reinstatement.
- 10.07.** The unexcused failure of an attorney and/or party to appear for a hearing at the scheduled time may result, within the discretion of the Court, in subjecting the offending person to any or all of the sanctions provided by Civil Rule 37, including dismissal or the assessment of fines.
- 10.08.** The Court may dismiss an action upon the showing that either party has failed to comply with all pre-trial orders.
- 10.09.** Voluntary dismissals pursuant to Civil Rule 41 shall contain the following language: "It is so Ordered" and shall contain a signature line for the assigned judge.

**RULE 11
ATTORNEY OF RECORD**

- 11.01.** Upon entering an appearance as counsel, no attorney shall thereafter be relieved of his responsibility unless he timely files a written motion with the Court stating his grounds for withdrawing from the case, together with a proper certification that he has notified his client. The attorney requesting the right to withdraw shall comply with Disciplinary Rule 2-110.
- 11.02.** A written motion to withdraw as counsel shall contain the date of the next hearing, and shall set forth the number of continuances which have been granted during the pendency of the case.
- 11.03.** Any attorney entering a case he or she did not commence shall do so by written entry of appearance. The Clerk of Courts shall note such entry of appearance upon the appropriate docket of the Court and notify the Judge assigned to the case.

**RULE 12
DISSOLUTION OF MARRIAGE**

- 12.01.** The parties shall comply with the filing requirements and all other pertinent rules of court.
- 12.02.** Pursuant to R.C. 3103.06, the parties shall be living separate and apart at the time of filing.
- 12.03.** The parties shall provide a specific month, day, and year that a child support or spousal support obligation begins. A statement relating payment to the signing of the agreement or the finalization of the decree is not in compliance with this rule.
- 12.04.** All child support payments shall commence effective the date of the filing of the petition, and be fully paid prior to the final decree.
- 12.05.** The attorney shall state on the caption the party represented by counsel, and file a written waiver of representation by the unrepresented party.

**RULE 13
JUDGMENT**

- 13.01.** Filing.

The judgment specified in Civil Rule 58 shall be journalized within thirty (30) days of the decree or decision. If judgment is not prepared and presented for journalization by counsel or party, then it may be prepared and journalized by the Court. Failure of an attorney to journalize a judgment within thirty (30) days of decree or decision may result in vacating any award of fees, a finding of contempt, imposition of a fine, or dismissal of the case.

- 13.02.** Child Support and Spousal Support.

- (A) All judgment entries related to child support or spousal support shall contain the following information:
- (1) Names, addresses, social security numbers and birth dates of the parties and children;
 - (2) Income of the parties;
 - (3) The amount of child support awarded on a monthly basis, per child, plus processing fee;
 - (4) Child support and/or spousal support to be paid through the Ohio Department of Jobs and Family Services;
 - (5) The effective date of the establishment or modification of support;
 - (6) A provision that one or both of the parties shall provide health care coverage for any minor child or, if not available to either party at a reasonable cost, a provision requiring that coverage be obtained if it subsequently becomes available to either party at a reasonable cost;
 - (7) A provision for income withholding or other order consistent with R.C. 3123.24 to R.C. 2123.38.
 - (8) The amount of any arrearage with a lump sum judgment to the appropriate party and

- a method of repayment, plus processing fee, through the Ohio Department of Jobs and Family Services.
- (9) If appropriate, an order that any wage withholding order be terminated by separated order;
- (10) A provision requiring the parties to comply with the Additional Order and Notice to parties.
- (B) The following documents shall accompany all judgment entries awarding child support or spousal support:
 - (1) Attached to judgment entry:
 - a. Child support computation work sheet.
 - b. Additional Order and Notice to Parties.
 - (2) Detached from judgment entry: Income withholding order
 - (3) Order to terminate withholding order (if appropriate).
- (C) All orders for support shall, if no date is stated, commence on the first Friday after the file-stamp date of the order.
- (D) All orders containing support provisions shall comply with R.C. 3119, R.C. 3121, 3123 and R.C. 3125 and shall include the following language:
 - (1) "All support under this order shall be withheld from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapters 3119.3121., 3121., 3123., and 3125. of the Revised Code or a withdrawal directive issued pursuant to Sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119., 3121., and 3125. of the Revised Code."
- (E) All orders related to child support shall contain the following language:
 - (1) "Child support shall continue until such time as the child becomes emancipated or until further order of the Court. The duty to support shall continue beyond the age of majority so long as the child is continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday. The duty to pay child support shall not continue beyond the date that the child reaches nineteen years of age unless there exists a court-ordered duty or a provision contained in a Separation Agreement providing for the continuation of support. The obligation to pay child support continues during periods of seasonal vacation."
- (F) All benefit/income withholding orders shall be on the form prescribed by the Court, must include processing charge (except benefit withholding orders to the Ohio Bureau of Employment Services), and shall be payable monthly. All wage withholding orders shall be typed except as to the amount of withholding.

13.03. Divorces and Dissolutions.

- (A) On all uncontested matters and dissolution of marriage, copies of the Separation Agreement or proposed Judgment Entries shall be presented to the Court for review at the time of the uncontested hearing or dissolution of marriage.
- (B) Failure to comply with paragraph 13.04 of this rule shall be grounds to dismiss the case or continue the cause to a later date.
- (C) Any pleading concerning the allocation of parental rights or the issue of visitation shall contain a provision acknowledging the filing of a Uniform Child Custody Jurisdiction Affidavit filed pursuant to R.C. 3109.27 (Schedule II).
- (D) Consent entries involving the allocation of parental rights or otherwise affecting the welfare of minor children may be subject to investigation before approval by the Court.
- (E) In a dissolution of marriage, all provisions for the payment of support and/or the duration of support shall be contained in the Decree of Dissolution. Provisions concerning child support contained in a Separation Agreement or Shared Parenting Plan shall state that the parties

consent to the continuing jurisdiction of the Court to modify said support pursuant to the relevant child support statutes.

13.04. Settled Judgment Entries.

- (A) In cases which have been settled and the attorney has been required to submit a judgment entry, the judgment entry shall be submitted within fourteen (14) days of the evidentiary hearing or 30 days of the trial date. Failure to comply with this rule may result in the automatic dismissal of the motion by the Court.
- (B) The Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties. Said judgment entry shall be submitted to the opposing counsel prior to the submission to the Court. If counsel are unable to agree upon the judgment entry, the opposing counsel shall notify in writing, within five (5) days, the counsel who prepared the entry. Both counsel may thereafter submit an entry to the Court within ten (10) days of the written notice, and the Court shall direct which entry shall be filed. A judgment entry sent for signature which is not returned or rejected by opposing counsel within five (5) days, may be submitted to the Court without the signature of the opposing counsel or party. All judgment entries not signed by both parties shall be accompanied by a copy of the transmittal letter indicating the date sent to the opposing counsel or party.

13.05. Emancipation.

Any judgment entry terminating a child support obligation by the emancipation of a minor child shall set forth the amount of any arrearage owed to the payee or to the Ohio Department of Jobs and Family Services, shall grant a lump sum judgment for any arrearage, and shall state the method of payment. If there remain other minor children of the parties, a new child support calculation must be made, and the judgment entry shall include the modification and shall comply with the provisions of 13.02 and 13.03.

13.06. Mandatory Language Regarding Parenting Time.

- (A) Where there is no substantial deviation from the Court Schedule, the original Judgment Entry shall contain the following language:

"The Plaintiff/Defendant is hereby awarded parenting time pursuant to the Court's (local or long distance) visitation and companionship schedule, as set forth in Local Rule 13.06(C)(D), and attached to Plaintiff's and Defendant's copy of this Judgment Entry. Should a party move closer or further than 150 miles from Lucas County, the appropriate local long-distance schedule set forth in D.R. 13.06(C) or D.R. 13.06(D) shall be instituted without further hearing unless otherwise ordered by the Court."
- (B) The counsel preparing the Judgment Entry for submission to the Court shall submit two (2) copies (not the original) which have attached thereto a copy of the Court's parenting time schedule.
- (C) Court schedule local and long distance parenting time schedule.

September 1, 2002
ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES
LOCAL PARENTING TIME SCHEDULE
COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

If the Court order or decree indicates that the Court schedule is the order for parenting time, then the ORDER OF THE COURT IS THE FOLLOWING:

PARENTING TIME FOR THE NON-RESIDENTIAL / CUSTODIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE (these are the most important words). This shall not normally be less than---

1. Weekends

Beginning on a specific date (_____), every other weekend from Friday night at 7 p.m. to Sunday night at 7 p.m.

2. Mid-week

In addition, the child(ren) shall spend a minimum of one week day as follows:

For a child not yet in mandatory education, 5 p.m. to 7:30 p.m.

For a child in grades Kindergarten - 8th grade, 5 p.m. to 8 p.m.

For a high school student, 5 p.m. to 9 p.m.

If there is more than one child, the hour of return shall be the hour for the youngest child. If the parents cannot agree on a day, the day for the mid-week parenting time is Wednesday. If a child is in a child care arrangement, the non-residential parent may not pick-up the child from the caretaker without the prior permission of the residential parent, preferably in writing.

3. Days of Special Meaning

a. Mother's Day shall always be spent with the mother; Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the time is 10 a.m. to 7 p.m. The child(ren) shall spend the rest of the weekend with the parent who normally has that weekend.

b. The child's birthday shall always be spent with the mother in the even-numbered years, and shall always be spent with the father in the odd-numbered years. If the parties cannot agree, the time is 10 a.m. to 8 p.m., for a child not in school on the birthday, and 5 p.m. to 8 p.m., for a child in school on his birthday. The other parent can celebrate on another date. The child's birthday is to be spent with the designated parent, even if the other parent is entitled to weekend, mid-week, holiday or vacation with the child. Brothers and sisters attend the birthday event.

c. Other days of special meaning, such as religious holidays, Martin Luther King Day, etc., should be discussed and written into the Court order.

4. Holidays

Parents may wish to change by agreement a holiday at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

	Even-numbered Years	Odd-Numbered Years	As Agreed, OR
Easter	Father	Mother	Sun., 10 am.- 7 pm.
Memorial Day	Mother	Father	Sun., 7 pm. - Mon., 8 pm.
July 4th	Father	Mother	7-4, 9 am. - 7-5, 9 am.
Labor Day	Mother	Father	Sun., 7 pm. - Mon., 8 pm.
Thanksgiving	Father	Mother	Thur., 9 am. - Fri., 9 am.
Christmas Eve	Mother	Father	12-23, 9 pm. - 12-24, 10 pm.
Christmas Day	Father	Mother	12-24, 10 pm. - 12-25, 9 pm.

New Year's Eve/Day Mother Father 12-31, 5 pm. - 1-1, 9 pm.

- a. Holidays will take priority over any other parenting time. A holiday that falls on a weekend shall be spent with the parent who is designated to have the child(ren) for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. This time does not have to be made up.

5. Breaks

Father will have spring school break in the even numbered years, and Mother will have spring school break in the odd numbered years.

Mother will have the Christmas school break until December 24 at 10:00 p.m. in the even numbered years. Father will have from December 24 at 10:00 p.m. until the end of the break. In the odd years, the time periods will reverse.

The break begins when the school schedule says it begins, and ends at 7:00 p.m. the night before school resumes. It is understood that not all the schools of children in the same family will necessarily have the same break.

6. Vacation

- a. Four weeks each year are to be arranged by the non-residential parent with not less than sixty (60) days advance notice. The non-residential parent's choice of vacation has priority over the residential parent's choice, unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty days notice of intent to take a vacation and the non-residential parent has no similar requirement. **The residential parent must give the other parent not less than sixty (60) days advance notice of vacations or special plans for the child to avoid planning conflicts.** Parents who cannot resolve vacation scheduling conflicts may file a motion in the Court. Due to legal notice requirements, the hearing cannot be scheduled until three (3) weeks after filing.
- b. Summer school necessary for the child to pass to the next grade must be attended. Extended parenting time (vacation) may be scheduled by either parent during a mandatory summer school period, but the child must attend all classes.
- c. Each parent must provide the other parent with destination, times of arrival and departure, and method of travel if the vacation will be outside the parent's community.
- d. Vacation must be exercised in minimum periods of one week, and the non-residential parent has the right to determine whether to exercise vacation in periods of two, three or four weeks.
- e. Alternate weekends which normally would be spent with the residential parent, which fall during the non-residential parent's vacation must be given to the residential parent, or made up at another time. Alternate weekends which normally would be spent with the non-residential parent and that fall during the residential parent's vacation must be given to the non-residential parent or made up at another time.

7. Parenting Time Presumptions

a. Basis for Schedule

This parenting plan presumes that the father and the mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economic support; and the father and mother each respects the right of the other to parent their child(ren).

b. Keeping the Children Together

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Parenting Time

Children of divorce grow up to be as normal and healthy as children whose parents are not divorced if the parents communicate well, if both parents continue a regular contact with their child(ren), and avoid the use of anger in front of the child(ren) when dealing with the other

parent.

It is normal when parents first separate that a child may have a strong emotional reaction at exchange times saying good-bye to one parent. Parents need to know that the emotional response is quite natural, and that each parent needs to calmly reassure the child that he or she will see the other parent soon. Parents should understand that this response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of the adjustment will vary.

If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional, Court counselor or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. Examples of time for concern are a decline of a child's grades, serious or chronic school problems, dramatic changes in behavior, and delinquency, to name a few. IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES FOR THE PARENTING TIME.

d. Exercise of Parenting Time

This schedule presumes that the non-residential / custodial parent shall be there for all the parenting times and days for Weekends, Mid-weeks, Days of Special Meaning, and Holidays, and that no advance notice to the residential parent is necessary (except vacation, unless the parties agree otherwise). The residential parent shall have the child(ren) ready.

e. Cancellation of Parenting Time by Non-residential / Custodial Parent

The non-residential parent must give notice of intent NOT to have parenting time, as soon as he or she is aware that it is not possible. A parent who does not exercise parenting time forfeits the time. Since the schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights modified, and may be subject to other legal remedies as well, upon motion by the residential parent.

f. Returning the Child(ren) After Parenting Time

This schedule presumes that the non-residential parent will not return the child(ren) before the end of the parenting time stated (not early, not late, not on a different day), unless the parents agree in advance, and that the residential parent or other responsible caretaker well-known to the child(ren) will be present when the child(ren) is returned.

g. Transportation

The non-residential parent has responsibility for picking up and returning the child(ren). The non-residential parent, if unavailable for the pick-up or delivery of the child(ren) by car, must use an adult driver well-known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol. Only licensed drivers may transport the child(ren).

h. Clothing

The residential parent is responsible for providing sufficient appropriate clean clothing, based on the lifestyle of the residential parent and child. If the planned activities during parenting time require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time.

i. Schoolwork

A parent must provide time for any child to study, complete homework assignments, papers, or other school assigned projects, even if the completion of this work interferes with the parent's plans with the children. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the other parent of the work to be done, and it must be completed.

j. **Address and Telephone Numbers**

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency. The residential parent must notify the Court of their intent to relocate.

k. **Traditions and Family**

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new traditions will develop.

It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins, and any other family members during such times as they are with their parents.

l. **Children's Activities**

Scheduled parenting time periods shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the child in advance, including time, dates, and transportation needs, so that the child is not deprived of activities and maintaining their friends. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their child's activities. Each parent is entitled by law to equal access to the student activities of their child, unless limited by Court order.

m. **Illness or Injury of a Child**

If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If the child becomes ill while with the residential parent prior to a scheduled parenting time, the parent must contact the other parent and discuss the advisability of whether the parenting time should take place with the best interests of the child as the primary consideration. Parents should consider the nature of the illness (whether it may be contagious, or the child is physically uncomfortable, etc.), the care necessary, the ability to provide the care, exposure of the illness to others, activities planned, and any other important issue.

If the parents agree that the child should go, then the residential parent MUST provide written instructions and sufficient medication to last during the parenting time. The non-residential parent must care for the child as directed, notifying the other parent if the child's condition worsens, or does not improve as might reasonably be expected.

If the parents cannot agree that the child should go for the parenting time, then the non-residential parent has the right to visit the child for not more than one hour at the time scheduled for the parenting time to begin. (This does not apply if the Order of any Court or consent agreement prohibits the non-residential parent from being at the home.) If another child is also scheduled to have parenting time, then the regular schedule must go on with that child. If the parenting time is canceled due to the child's illness or injury, then the time must be made up within sixty (60) days to the non-residential parent, at a time of his or her choice.

If the child becomes ill or injured during parenting time, the non-residential parent must secure appropriate emergency treatment.

No schedule can adequately spell out what should be common sense when dealing with an ill or injured child.

Any allergy or chronic condition suffered by a child must be communicated in writing from the residential to the non-residential parent, including medication or treatment recommended for the illness or condition.

If a child often misses parenting time due to illness or injury, then a non-residential parent may require the child to be examined by the child's usual physician. The examination shall be at the expense of the non-residential parent. The examination of the child may be in presence of the non-residential parent, subject to the discretion of the treating physician. If the residential parent refuses to schedule a medical appointment as requested, the non-residential parent may file a motion.

n. **Communication between Parents**

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child

about the schedule, or future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates or activities. If parents have temporary difficulty communicating about either parenting time or the needs of their child(ren), parents should not enlist the child to resolve the parents' inability to talk to each other.

When Parents Do Not Communicate With Each Other

Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve their ability to work together for their child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Court Counselor or file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

o. Discipline and Changes in Child's Behavior

It is presumed that parents use methods of discipline consistent with the law, and consistent with each other as much as possible, and will communicate with each other if a child is becoming a discipline problem.

Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreement over appropriate discipline or solutions to their child's problems and cannot resolve their disagreement should seek the assistance of a Court counselor or mental health professional. Examples of times for concern are decline of a child's grades, serious or chronic problems with the school, dramatic changes in behavior, or delinquency, to name a few.

p. Step-parent name.

A parent should not, nor permit any other person to, suggest, encourage or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

q. Child's Records

1). Name

The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adopted name only.

2). School Records

The residential parent is responsible to personally provide copies of every grade card or notice regarding the child within five (5) days of receipt, and may not use the child to deliver the grade cards or notices. The residential parent must list the non-residential parent as a parent of the child, and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent must personally inform the other parent of school or special activities, such as parent-teacher conferences, school programs, athletic events, honors program, special ceremonies, school pictures, and graduation events, and any other school activity in which the child is involved as soon as (s)he receives the notice.

Both parents are entitled by law to equal access to their children's records, unless limited by Court order.

The non-residential parent shall have access to the children's day-care center, unless limited by the Court.

3). Medical records/consultation

The residential parent shall, upon request by the non-residential parent immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child. Both parents are entitled to equal access to their children's records, unless limited by Court order.

r. Communication Between Parent and Child

Each parent has the right to talk over the telephone with the children as often as the parents agree. If the parents do not agree, then the non-residential parent should have telephone

privileges twice per week. In addition, a parent may call a child once during a scheduled or agreed parenting time that is missed. Also, the residential parent has the right to call a child when on vacation with the other parent as the parties can agree; if no agreement, then the residential parent has telephone privileges twice per week if the vacation period takes place at the other parent's home. Phone calls should be during the normal hours a child is awake; and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call. A child is permitted to call a parent.

s. Non-compliance with Court Order

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. A parent may not withhold the rights of parenting time because the other parent does not obey a Court order, for instance, to pay support, or medical bills, etc.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court, the penalty for which is a fine not to exceed \$250.00, and a jail sentence not to exceed ten days for each separate act of contempt. The Court may also assess attorney fees and Court costs, order the appointment of a Guardian ad Litem (attorney) for the minor child, and payment of the Guardian ad Litem's fee. The Court may order the reimbursement of transportation costs, and make-up parenting time, in addition to any other remedy available at law.

t. Moving

Either parent must notify the other at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after the move, the local parenting time schedule applies. If the parents are more than 150 miles apart after the move, the long distance parenting time schedule applies. The Ohio Department of Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

u. Promptness

This schedule presumes that each parent will be prompt for pick-up and return of the child(ren), that the residential parent will ready the child(ren) emotionally and physically for the parenting time. The residential parent has no duty to wait for the non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that (s)he will be late, and the residential parent agrees to remain available after the thirty minute waiting period. A parent who is more than thirty (30) minutes late loses the parenting time. A parent who has a pattern of lateness is subject to penalties under the law.

v. Employment of Parents

This schedule presumes that the parents are available for full weekends and mid-week parenting time. If the non-residential parent is regularly employed every weekend and chooses not to exercise parenting time on the weekend, the parents should agree in advance about the day and time for parenting time. If the parties cannot agree, either may wish to consult with the Court counselor or file a motion.

w. Newborn child(ren)

This schedule might not apply to a newborn or very young child whose sense of time differs from an older child or adult. A newborn needs more frequent contact with a parent not living in the same household than this schedule specifies. Parents need to exercise more flexibility in scheduling times for a newborn and very young child, and may need to consult with the child's physician and/or Court counselor in the event they do not agree.

x. Teenagers

A regular routine of parenting time may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works, and spends time with friends, as the parents allow a young adult more freedom of choice generally. The parents need to respect their teenager opting to spend time more with friends or in organized activities, and less time with each parent, especially weekends and summer holidays. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits,

it is advisable to consider the teenager's wishes, as long as the parents agree. If the parents are unable to resolve scheduling conflicts, they may wish to consult with a Court counselor or file a motion.

y. Modifying this Order

The Court reserves the right to modify this schedule after a motion by either party.

JUDGE DAVID LEWANDOWSKI

JUDGE NORMAN G. ZEMMELMAN

DEFINITIONS

"Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) without any legal restriction except as to time. Court-imposed.

"Visitation" - Restrictions are always written specifically into the Court order.

"Supervised Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) with legal restrictions as to time, place, and neutral party who is always present with the child during the parenting time. It is always written into the order.

"Curb-side Exchange" - a legal term always written into the Court order if the Court orders it. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren), the residential parent must remain inside the home, and there must be no communication during the exchange of the parents' child(ren). The process of curb-side exchange means the non-residential parent (at the specified parenting time) parks in front of the residential parent's residence, honks the horn to notify the residential parent to send the child(ren) to the non-residential parent's car. The residential parent shall immediately send the child(ren) to the car, making certain the driver is well-known to the child(ren) (if the driver is not the other parent) and watch the child(ren) enter the car and leave. Upon return after the parenting time, the non-residential parent, parks in front of the residential parent's home, honks the horn to signal that the child(ren) are returning, and watches the child(ren) return to the residence.

March, 2001
**ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES
LONG DISTANCE PARENTING SCHEDULE
COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS
(for parents who live more than 150 miles apart)**

If your Court order specifies the Long Distance Schedule as the order of the Court, then the ORDER OF THE COURT IS AS FOLLOWS:

PARENTING TIME FOR THE NON-RESIDENTIAL / CUSTODIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARENTS CAN AGREE (these are the most important words). This shall not normally be less than:

Option 1: (Unless the parties agree to Option 2 or the Court orders Option 2, then Option 1 is the Order of the Court).

(a) Summer vacation shall be from June 15 to August 15 of each calendar year. These dates cannot be changed except by agreement of both parents or Court order.

Even-Numbered Years

Christmas Vacation:

- a. School-aged child*: first day of vacation to Dec. 26.
- b. Pre-schoolers**: Dec. 18 through Dec. 26

Spring Vacation Break:

- a. School-aged Child*: Sixth day of vacation through last day;
- b. Pre-schoolers**: Monday after Easter Sunday through the following Sunday;

Odd-Numbered Years

Thanksgiving:

Wed., after school, Thanksgiving Day, Fri., Sat., and Sunday.

Christmas Vacation:

- a. School-aged child *: Dec. 26 to last day of vacation
- b. Pre-schoolers**: Dec. 26 through Jan 2.

Spring Vacation Break

- a. School-aged child*: First full day of vacation through fifth day
- b. Pre-schoolers**: Sunday before Easter Sunday through Easter Sunday;

Option 2: (The parties must agree to this Option, or the Court must specifically order this option, or Option 1 is the order of the Court).

(a) Summer vacation shall be from June 15, to August 15, of each year. These dates cannot be changed except by agreement of the parents, or a Court order.

Even-Numbered Years

Christmas Vacation

- a. School-aged children*: first to last day of vacation
- b. Pre-schoolers**: December 18 through January 2

Odd-Numbered Years

Spring Vacation Break

- a. School-aged children*: First to last day of vacation
- b. Pre-schoolers**: Sunday before Easter through Easter

* - All school-aged and preschool-aged brothers and sisters of this parent's relationship with each other are included in the exercise of parenting time, unless ordered otherwise.

** - For pre-schoolers who have no school-aged brothers and sisters of this parent's relationship with each other.

3. Additional parenting times

- a. Weekend: A once-a-month weekend beginning the third Friday of each month, unless agreed otherwise, if the traveling time for the child does not exceed three (3) hours one-way from home to home. The residential parent must have at least one week advance notice.

The times are 7 p.m. on Friday, to 7 p.m. on Sunday, unless the parents agree to different times.

- b. Father's or Mother's Day will always be spent with the appropriate parent, if the parent chooses to spend the day with the child(ren). One week's advance notice to the residential parent is necessary.
- c. The non-residential parent who visits the community where the residential parent lives is entitled to parenting time with the child(ren) if the non-residential parent provides two (2) days advance notice to the residential parent. The parenting time may be outside the presence of the residential parent. Frequent and regular visits are highly recommended for pre-school-aged children.
- d. The residential parent who visits the community where the non-residential parent lives and brings their child(ren) must give at least two (2) days advance notice to the other parent, and must provide parenting time between the other parent and their child(ren) outside the presence of the residential parent.
- e. Such other times as agreed upon as follows:

4. Long Distance Parenting (Companionship) Presumptions

a. Basis for Schedule -

This parenting plan presumes that the father and the mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economical support; and the father and mother each respects the right of the other to parent their child(ren).

b. Keeping the Children Together -

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Long Distance Parenting Time -

Children whose parents live at a considerable distance from each other grow up to be as normal and healthy as children whose parents live together if the parents communicate well, and if both parents continue regular contact with their child(ren), avoid anger in front of the child(ren) when dealing with or talking about the other parent.

It is normal for a child to have a strong emotional reaction to leaving his or her residential parent, and an equally strong reaction when leaving the non-residential parent. Parents need to know that their child's emotional response is natural and that it does not mean that the child does not love the other parent, or wishes not to be returned to that parent. Parents need to calmly reassure the child that he or she will see the other parent again. A healthy child should adjust to the situation.

Some parents are naturally concerned about a very young child being separated from the residential parent for extended periods of time set by this schedule. So long as the non-residential parent has an established relationship with the child, the general rule is that the child should spend time with that parent and will adjust to new surroundings with the assistance of his or her parents. The non-residential parent may obtain from the office of the Court counselor special information on the unique needs of very small children during lengthy companionship periods.

If a child indicates strong opposition to being with the other parent, it is the responsibility of both parents to calmly talk to the child as to the child's reasons, and to work together to do what is in the child's best interest, particularly avoiding confrontation or unpleasant scenes. If the matter is not settled quickly, either parent should seek the immediate assistance of a mental health professional or Court Counselor, or file a motion with the Court. No parent should allow a child to decide when or whether parenting time will take place. As uncomfortable as this problem may be for either parent, this issue should not go unresolved. IT IS THE ABSOLUTE, AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD(REN) GO FOR ALL PARENTING TIME AND THE RESIDENTIAL PARENT DISCUSSES WITH THE CHILD IN ADVANCE OF THE PARENTING TIME. THE IMPORTANCE OF HIS OR HER CONTINUING RELATIONSHIP WITH THE OTHER PARENT.

d. Non-Residential / Custodial Parent Responsibility -

This schedule presumes that the non-residential parent shall exercise all times and days listed in Option 1 or Option 2, whichever the parties choose or the Court orders, so long as proper notice is given. The residential parent shall not schedule any plans for their child which interferes with the non-residential parent's time nor deny the rights set forth in this schedule to the other parent.

Notice of Intent to Have Parenting Time - Notice of intent to have the child(ren) must be provided in writing by the non-residential parent not less than thirty (30) days in advance of the first day of the Parenting time unless the schedule sets a different notice limit. It would be wise for the non-residential parent to telephone the residential parent to make certain that the notice was received within one (1) week of sending the notice.

e. Cancellation by Non-residential Parent -

The non-residential parent must give notice of intent NOT to have parenting time, as soon as he or she is aware that parenting time is not possible, unless a last minute emergency occurs. A parent who cancels parenting time forfeits the time.

f. Returning the child(ren) -

This schedule presumes that the non-residential parent will not return the child(ren) before the end of the scheduled time, unless the parents agree in advance; and that the residential parent or other responsible adult well-known to the child(ren) will be present where the child(ren) is returned.

g. Transportation -

The non-residential parent has responsibility for picking up and returning the child(ren).

Travel by methods other than car require the residential parent to transport the child timely to the transportation terminal for departure and for picking up.

Transportation by Car: Any responsible adult with a valid driver's license well-known to the child(ren) may be utilized by the non-residential parent to provide transportation. All child restraint laws must be complied with by any person driving the child(ren). No person transporting the child may be a user of illegal drugs, or under the influence of alcohol.

Transportation by Airplane: Airline regulations govern the age at which a child may fly unescorted. An older child may fly under such regulations as each airline may establish. Airline reservations should be made well in advance, and preferably non-stop. The parent who is taking the child to the airport must call the other parent immediately upon departure to notify the other parent that the child is arriving, and the parent who meets the child must immediately notify the other parent that the child has arrived. Parents should consider in making the decision on this method of transportation whether or not the child may need an adult to chaperon the flight.

Other Methods of Transportation: The parent should carefully consider in using any other method of transportation, the age of the child, the safety of the child traveling alone, and the child's experience in traveling alone, or whether an adult well-known to the child(ren) should be traveling with the child(ren). No method of transportation should be considered which puts the child at risk.

Costs of Transportation: There is no general rule about who pays the costs of transportation, regardless of which parent no longer lives in the community where the child makes his or her primary residence. Each case is different. The parents need to agree on payment of transportation expense before the first time the child needs to be transported and make their agreement part of their Court order.

h. Clothing-

The residential parent is responsible for providing sufficient appropriate clean clothing for the companionship period including good and play clothes, based on the lifestyle of the residential parent and child. If planned activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance of the companionship period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be immediately returned at the end of the parenting time.

I. Summer School-

Summer school which is necessary for a child to pass to the next grade must be attended at the location of the non-residential home after receipt of written notice from the residential parent. The non-residential parent must make arrangements with both schools and be certain that documentation of completion is received by the child's school in the residential parent's community.

j. Address and Telephone Numbers-

Each parent must, unless the Court orders otherwise, keep the other informed of his or current address and telephone number, and an alternate telephone number in the event of an emergency. The residential parent must notify the Court of their intent to relocate.

k. Traditions and Family-

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new family traditions will develop.

It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins and any other family members during such times as they are with parents.

l. Children's Activities-

Scheduled parenting time must not be delayed because a child wishes to schedule other activities with friends, work, lessons, sports, which conflict with the non-residential parent's scheduled time with the child(ren). No residential parent shall schedule or allow a child to schedule any event which conflicts with the times and dates herein, unless the parties agree otherwise. This schedule anticipates that the child will develop new friends and relationships, and have additional activities in a different community which are presumed to be beneficial to the child.

m. Child's Health-

As a general rule, if a child is hospitalized, or has a serious injury or illness, each parent is entitled to be notified. If the child is ill or injured while with the non-residential parent, the parent shall secure appropriate emergency treatment. The residential parent shall be notified. Regularly prescribed medications should be sent (i.e. asthma or allergy medicine). Any health care regime recommended by the child's doctor in case of certain symptoms should be copied and sent in advance of the parenting time.

n. Communication between Parents-

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates, or activities. If parents have temporary difficulty communicating about either parenting time or the needs of their child(ren), parents should not enlist the child to resolve the parents' inability to talk to each other.

When Parents Do Not Communicate With Each Other: Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve their ability to work together for their child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Court Counselor or file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

o. Discipline and Changes in Child's Behavior-

It is presumed that parents use methods of discipline consistent with the law, consistent with each other as much as possible, and that each will communicate with the other parent if the child is having a discipline problem. Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreements over appropriate discipline or solutions should seek the assistance of the Court counselor or mental health professional. Examples of time for concern are a decline of a child's grades, serious or chronic school problems, dramatic changes in behavior, and delinquency, to name a few.

p. Step-parent Name-

A parent should not, nor permit any other person to, suggest, encourage, or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

q. Child's Records-

- 1). Name - The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adopted name only.
- 2). School Records - The residential parent is responsible to personally provide copies of every grade card or notice regarding the child within five (5) days of receipt, and may not use the child to deliver the grade cards or notices. The residential parent must list the non-residential parent as a parent of the child, and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent must personally inform the other parent of school or special activities, such as parent-teacher conferences, school programs, athletic events, honors program, special ceremonies, school pictures, and graduation events, and any other school activity in which the child is involved as soon as (s)he receives the notice.

Both parents are entitled by law to equal access to their children's records, unless limited by Court order.

The non-residential parent shall have access to the children's day-care center, unless limited by the Court.

- 3). Medical records/consultation: The residential parent shall, upon request by the non-residential parent immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child. Both parents are entitled to equal access to their children's records, unless limited by Court order.

r. Communication between Parent and Child-

This schedule presumes that in place of frequent and regular physical contact which would be available if the parents lived nearer to the other, that frequent and liberal communication between the non-residential parent and his or her child(ren) is vital. Unless the parties agree or the Court orders otherwise, there shall be no limit on the number and length of telephone calls from either parent to his or her child (but the Court retains the right to limit phone calls if it finds that it is not in the best interests of the child for the other parent to have unlimited privileges, if the calls are disruptive to the child, for the purpose of interrogating the child concerning the other parent, or the calls are for harassing the other parent). If it is the practice of the residential parent to use a telephone answering device, the parents should agree in advance when the other parent will call at a designated time, so that the call may be completed. Each parent must always provide a home telephone number to the other parent where the child may be reached.

Each parent must provide all letters, audio tapes, video tapes, gifts, cards, and any written communication from the other parent to the child as soon as it is received, and must provide a home address to the other parent at all times.

Each parent must also allow all communications requested by the child in his or her home to other parent (excluding telephone calls for which the parent would be charged).

The child must be allowed privacy by each parent for the purpose of communicating with the other.

s. Non-compliance with Court Order-

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. A parent may not withhold parenting time because the other parent does not obey a Court order, for instance, to pay support, or medical bills, etc.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule:

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court, the penalty for which is a fine not to exceed \$250.00, and a jail sentence not to exceed ten days for each separate act of contempt. The Court may also assess attorney fees and

Court costs, order the appointment of a guardian ad litem (attorney) for the minor child, and payment of the guardian ad litem's fee. The Court may order the reimbursement of transportation costs, and make-up parenting time, in addition to any other remedy available at law.

t. Moving-

Either parent must notify the other in writing at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after the move, the local schedule applies. If the parents are more than 150 miles apart after the move, the long distance schedule applies. The Ohio Department of Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

u. Modifying this Order-

The Court reserves the right to modify this parenting time after a motion by either party.

JUDGE DAVID LEWANDOWSKI

JUDGE NORMAN G. ZEMMELMAN

- (D) If at final adjudication, the parties are deviating from the standard schedule, said deviation shall be set forth in the Judgment Entry.
- (E) If it is necessary to Order supervised visitation and companionship, the person or agency who is to provide supervision must be made Third Party Defendant. The Judgment Entry shall contain the specific duties of the supervisor.

13.07. Mandatory Language Medical Schedule

- (A) The original judgment entry shall contain the following language:

"The parties shall comply with the Court's medical schedule as set in Local Rule 13.07 (D) and the Plaintiff/Defendant shall be responsible for payment of medical expenses pursuant to said schedule."
- (B) Any deviations from the schedule shall be specifically delineated in the judgment entry.
- (C) A copy of the medical schedule shall be attached to two (2) copies (not the original) of the judgment entry.
- (D) Court medical schedule.

**MEDICAL SCHEDULE
LUCAS COUNTY COMMON PLEAS COURT
DOMESTIC RELATIONS DIVISION**

1. Unless specifically set forth in another order of this court, each party shall be responsible for maintaining health insurance coverage for the minor children of the parties if such health insurance is available to the party at a reasonable cost. The responsibility to maintain health insurance coverage shall continue until further order of the court or until the emancipation of the minor child.
2. It is the responsibility of each party, after securing health insurance coverage, to provide to the other party a copy of the insurance cards, a copy of any benefits information, a list of health care providers if required under the policy, and any other necessary information or forms required by the insurance provider. Each party shall promptly notify the other of any changes in the health insurance policy.
3. Each calendar year, it shall be the responsibility of the residential parent to pay the first \$100.00 per child of all ordinary medical expenses incurred. Ordinary medical expenses are defined to be necessary, routine health care services, including, but not limited to, medical examinations, inoculations, prescriptions, routine dental and optical examinations and treatments.
4. After payment of the first \$100.00, per child, it is the responsibility of the residential parent to notify and to provide written proof to the non-residential parent that the financial threshold has been met. Thereafter, each party shall be responsible for payment of necessary treatment in the percentage amount set forth in their child support obligation. (Example, if the residential parent has an obligation of 60% of the total child support, the residential parent would be responsible for 60% of the medical expenses). If there is no child support order, the medical expenses shall be borne equally by the parties.
5. Extraordinary medical expenses are defined as all non-routine medical, surgical, orthodontic, hospital, prescription, psychological, or psychiatric care incurred on behalf of the child. Extraordinary medical expenses shall be prorated according to the percentage of the child support obligation set forth on the child support worksheet.
6. After the residential parent has met the \$100.00 financial threshold for ordinary expenses, or if the medical expense is an extraordinary expense, the residential parent shall notify the non-residential parent in writing that future expenses are to be prorated. Thereafter, the residential parent shall provide to the non-residential parent within thirty days of the service or receipt of the billing for the expense, a copy of the bill. The non-residential parent may elect to pay the provider directly or to reimburse the residential parent. Payment shall be made to the provider or the residential parent within twenty days of the receipt of the bill. All notifications and exchange of medical bills or payment to the other parent shall be by certified mail.
7. Unless otherwise set forth in another court order, the residential parent shall be responsible for scheduling all ordinary, necessary, routine treatment. When it is determined that the child will require extraordinary, non-emergency treatment, the residential parent shall notify the non-residential parent in writing of the proposed course of treatment and the cost. The non-residential parent may schedule an independent evaluation within ten days of the written notice. Failure to promptly notify the non-residential parent of extraordinary treatment may result in the court allocating the medical expense to the residential parent.
8. The court reserves jurisdiction to apportion all medical expenses as it may determine is in the best interest of the minor child.
9. The parties shall cooperate in the preparation of all insurance forms to obtain reimbursement or payment of expenses. The parties shall comply with the court's Additional Order and Notice to Parties.

Judge David Lewandowski

Judge Norman Zimmelman

13.08. Shared Parenting Plans.

(A) Requirements for Filing of Plan.

- (1) The original shared parenting plan and one copy, both with child support worksheets attached, shall be submitted by the attorney to Court Counseling Department.
- (2) Original shared parenting plans should include the names, addresses and telephone numbers of both attorneys and both parties.

(B) Approval of Plan as to Form.

- (1) If the shared parenting plan is incomplete, a copy of the checklist and the original shared parenting plan will be sent to the attorney; the checklist and copy of the plan will be stapled together and retained in the family file.

- (2) If the shared parenting plan is complete:

The original plan will be initialed by the Court Counselor on the front page, bottom right corner. The Court Counselor's copy of the shared parenting plan and shared parenting checklist will be stapled together and retained in the family file. A notice will be sent to the attorney that the plan was found to be complete and is available for pickup from the Court Counseling Department. The original plan with checklist attached will be held at the Reception desk.

(C) Filing of Approved Plan.

The attorney shall take the original initialed shared parenting plan, the shared parenting checklist, and the shared parenting Judgment Entry and submit it to the Clerk of Courts for routing for signatures, or upon leave of court submit it to the judicial officer at hearing.

- (D) No divorce, legal separation or dissolution of marriage case involving shared parenting shall proceed to final hearing prior to the approval of a shared parenting plan, except under extraordinary circumstances.

**RULE 14
GUARDIAN AD LITEM AND LEGAL COUNSEL**

14.01. Appointment.

Whenever the Court determines that it is appropriate to order the appointment of a guardian ad litem and/or legal counsel for a minor child or an incompetent, the parties may suggest an attorney from a list of guardians approved by the Court.

If the Court determines that the appointment will require that services are to be rendered without payment of a fee, the Court shall notify the guardian prior to the appointment.

14.02. Qualifications.

- (A) The Court shall set standards for the qualification of any attorney as guardian ad litem, legal counsel for a minor child, including, but limited to the following:

- (1) 2 years of practice in the area of family law
- (2) malpractice insurance
- (3) C.L.E. or Court-approved training

- (B) The attorney shall make written application and the appointment of an attorney to be a guardian ad litem is within the sole discretion of the assigned judge.

14.03. Appointment Procedures.

- (A) Upon the motion of either party or at the discretion of the Court, the Court may order a guardian ad litem and/or legal counsel at any time when it deems it essential to protect the interests of a minor child of the parties or to represent an incompetent person. No motion for

appointment of guardian ad litem shall be granted, except by leave of Court, once the matter has been set for trial.

- (B) Unless otherwise provided, it is the responsibility of each party involved in the litigation to timely contact the guardian ad litem, and to provide the guardian with information relating to the minor child.
- (C) The Court shall, unless it otherwise directs counsel, prepare the judgment entry appointing the guardian ad litem and/or legal counsel. Counsel, if directed to prepare the judgment entry, shall submit the judgment entry within five (5) days.
- (D) The minor child shall be added as a party defendant, and shall be served pursuant to the Ohio Rules of Civil Procedure.
- (E) The Court may initially order either or both parties to deposit with the Clerk of Courts partial fees for the guardian ad litem. The Court may, at the time of appointment, set the hourly rate permitted to be charged by the guardian ad litem for services rendered, and may award fees through the completion of his or her employment. The Court at its discretion may order the payment of fees by income withholding.
- (F) The Court shall maintain a list of all qualified guardians ad litem and shall periodically review the appointment procedure to assure the equitable distribution of cases.

14.04. Report of the Guardian Ad Litem.

Unless otherwise directed by the Court, the guardian ad litem shall prepare a report not less than seven (7) days in advance of the trial date and shall mail or hand deliver the report to the trial judge assigned, with written notice to counsel. The report of the guardian shall be available to counsel according to statute or Civil Rule 75. The report of the guardian is considered confidential and, in the best interest of the minor child, not part of the public record of the case.

14.05. Conflict of Interest.

If the guardian ad litem is also appointed as legal counsel and finds that there is a conflict of interest in the appointments, he or she shall file an appropriate motion.

14.06. Discharge.

Unless otherwise directed, counsel or the parties shall include in the final judgment entry a provision for the discharge of the guardian ad litem at the conclusion of the pendency of the matter on which the guardian ad litem was appointed.

RULE 15 INVESTIGATION PRIOR TO ADJUDICATION

15.01. When Required.

- (A) Investigation will be required in all cases involving children under the age of eighteen (18) years as to the character, family relations, past conduct, earning ability, and financial worth of the parties to the action. The parties shall comply with R.C. 3109.27 by affidavit.
- (B) Both parties in a dissolution of marriage proceeding shall, if they are parents of a minor child under eighteen(18) as issue of their marriage, submit to this investigatory process.

15.02. Reports of Court Counselor.

- (A) The report of the investigation shall be made available to either party or his counsel of record upon written request not less than seven (7) days before trial.
- (B) Such report shall be signed by the investigator and the investigator shall be subject to cross-examination by either party concerning the report.

15.03. Dismissal.

Failure of the plaintiff or defendant (who has filed a counterclaim) to keep an appointment for a mandatory investigation within thirty (30) days of filing the complaint, counterclaim or dissolution shall result in automatic dismissal. (Note: It is the duty of plaintiff's or defendant's attorney to report changes of address to the investigator.)

15.04. Other Investigation.

- (A) In a contested matter involving allocation of parental rights and responsibilities or visitation

and companionship, either party or the Court may request psychological evaluations of the parties, the children, or any interested third party. Upon the motion of either party, the Court shall determine the necessity for such evaluation, the psychologist, psychiatrist, or agency which conduct the evaluation, and the assessment of cost. No motion for any evaluation shall be granted, except by leave of Court, once the matter has been set for trial.

- (B) In a contested matter involving allocation of parental rights, visitation and companionship, or parentage proceedings, either party or the Court may request the appointment of a Guardian Ad Litem to represent the interests of the minor children involved.

15.05. Interview of the Child by Court.

- (A) All interviews of children conducted pursuant to statutory requirements or leave of Court will be conducted with all parties excluded. The Judge or Magistrate may permit counsel or the guardian ad litem to be present at the Court's discretion. The transcript or tape of the child's interview shall be sealed and neither party or attorney will be permitted to obtain a copy without a Court Order for good cause shown. No motion to interview the child shall be granted, except by leave of Court, after the case has been set for trial.
- (B) Affidavits signed by children shall not be accepted for filing nor admitted into evidence as exhibits. Pursuant to R.C. 3109.04(B)(3), other exhibits relating to the children such as writings, video and tape recordings, or transcriptions of same, shall not be accepted for filing or admitted into evidence.

15.06. Costs.

The Court may tax as costs all or any part of the expenses for such investigation. The Court may determine the apportionment of expenses related to any investigation ordered by the Court.

**RULE 16
DIVORCE COUNSELING FOR PARENTS**

16.01. When Required.

- (A) After the filing of a Complaint for Divorce, or a Legal Separation case involving minor children, every party seeking the allocation of parental rights and responsibilities for the care of minor children shall attend one (1) session of a parenting class sponsored by the Common Pleas Court of Lucas County, Ohio, Division of Domestic Relations.
- (B) Both parties filing a Petition for Dissolution of Marriage involving the allocation of parental rights and responsibilities for the care of minor children shall attend a parenting class.
- (C) After the filing of a Motion to Modify the Allocation of Parental Rights and Responsibilities, including parenting time, every party seeking the allocation of parental rights and responsibilities may be required to attend parenting class.
- (D) No person shall be designated residential parent and legal custodian of any minor child without attending the parenting class except under extraordinary circumstances. No shared parenting plan will be approved unless both parties have attended the parenting class. Attendance at the parenting class may be required for anyone seeking parenting time or visitation.

16.02. Certificate of Attendance.

Upon the completion of the parenting class, a Certificate of Attendance will be issued for each participant attending.

16.03. Dismissal.

Failure of any party required to attend parenting class within ninety (90) days after the filing of the complaint, petition or motion shall result in automatic dismissal.

16.04. Notice.

Each counsel filing original pleadings shall advise his or her client of the program and the requirements of this rule.

16.05. Costs.

The court may tax as costs all or any part of the expense for such parenting class.

RULE 17
RECONCILIATION COUNSELING

Pursuant to Section 3117.01 of the Ohio Revised Code, the Court of Common Pleas of Lucas County, Division of Domestic Relations has determined that the creation of a separate Conciliation Court is not necessary to the conciliation of marital controversies.

17.01. Assessment.

A motion for reconciliation shall be set for hearing before a Magistrate, and for a good cause shown, the parties shall be referred to the Court Counseling Department for preparation of an assessment report and recommendation, or to a marriage counselor. An order shall issue showing that the parties have been referred for reconciliation assessment, or for marriage counseling.

17.02. Report and Hearing.

Upon completion of a Reconciliation Assessment Report and Recommendation by the Court Counseling Department, notice shall be provided to the Court and to counsel for each party or to the party, if proceeding pro-se. A hearing shall be set by counsel for the party seeking relief within 14 days of the issuance of the Assessment Report and Recommendation to determine if further orders consistent with the recommendations are necessary. If no hearing is set, or, if no further orders are made concerning reconciliation counseling, the case shall proceed to completion in its normal course.

17.03. Time Limitations.

In no case shall an Order for Reconciliation Assessment or Reconciliation Counseling extend beyond 90 days without leave of the assigned Judge.

RULE 18
MEDIATION

18.01. Procedure.

(A) It is the policy of the Court that all issues involving the allocation of parental rights and responsibilities in pending divorce cases be mediated by the parents. Accordingly, following issuance of any Rule 75(N) order, and in the absence of exigent circumstances that would justify ex parte relief, no request for an evidentiary hearing concerning the allocation of parental rights and responsibilities shall be set for an evidentiary hearing without the parties having attempted mediation. Any request for an evidentiary hearing shall contain a certification of counsel, or the parties if unrepresented, stating that mediation was attempted but not successful and providing relative dates.

In addition to the foregoing, any judge, magistrate or court counselor may refer parties to mediation of any issue concerning the allocation of parental rights and responsibilities.

In any case where there have been a finding of domestic violence, the Court will determine whether mediation is appropriate, and if so under what terms and conditions.

All mediations shall be conducted by the Court Counseling Department. There shall be a fee of Fifty Dollars (\$50.00) to be divided between the parties for such service, unless otherwise directed by the Court.

(B) The mediator shall do the following:

1. Keep confidential all communication whether verbal or written;
2. Provide to the parents and their attorneys a summary of any agreement reached or a statement that the mediation has been terminated without an agreement;
3. Notify the Court for purposes of scheduling that mediation has been concluded.

18.02. Agreements.

Agreements reached by the parents during mediation shall become an order of the Court after review and approval by each parent's attorney and journalization by the Court.

18.03. Confidentiality.

All disclosures made by parents or information received from any source or person during mediation shall be deemed confidential and the mediator shall not be required to disclose any statements or discussions which occurred during mediation. The foregoing confidentiality requirements shall not,

however, be construed to exempt any person from the statutory duty to report child abuse pursuant to R.C. 2151.421.

18.04. Qualifications.

Any mediator employed by the Court, or with whom the Court makes referrals, shall have the following minimum qualifications:

- (A) A bachelor's degree or equivalent education experience and at least two years of professional experience with families. "Professional experience with families" includes counseling, casework, legal representation in family law matters, or equivalent experience that is satisfactory to the Court.
- (B) Completion of at least forty hours of specialized family or divorce mediation training conducted in a program approved by the Commission on Continuing Legal Education in accordance with the administrative guidelines established by the Committee on Dispute Resolution of the Ohio Supreme Court.
- (C) Adherence to the ethical standards of the mediators profession.
- (D) Maintenance of appropriate liability insurance specifically covering the activities of the individual as a mediator.

**RULE 19
ARBITRATION**

The Court may, at the request of all parties, refer a case or a designated issue to arbitration.

19.01. The parties shall propose an arbitrator to the Court and identify all issues to be resolved by the arbitrator. The arbitrator shall consent to serve and shall have no interest in the determination of the case or relationship with the parties or their counsel that would interfere with the impartial consideration of the case. An arbitrator selected by the parties and approved by the Court need not be an attorney.

19.02. The request for arbitration submitted by the parties shall provide for the manner of payment of the arbitrator.

19.03. Report.

The arbitrator shall file a report and award to the Court within thirty days of the hearing. The report shall be filed with the Clerk of Court and copies shall be forwarded to the parties or to their attorneys. The report and award, unless appealed, shall be final and entered as a judgment of the Court.

19.04. Appeals.

Any party may appeal the award of the arbitrator to the Court if, within thirty days after the filing of the award with Clerk of Court, the party does both of the following:

- (A) Files a notice of appeal with the Clerk of Court and serves a copy on the adverse party accompanied by an affidavit that the appeal is not taken to delay;
- (B) Pays all fees owed by that party to the arbitrator.

19.05. All appeals are de novo proceedings. The arbitrator shall not be called as a witness.

19.06. Exceptions to the decision of the arbitrator based upon either misconduct or corruption may be filed by a party within thirty days after the filing of the report, and, if sustained, the report shall be vacated.

**RULE 20
PARENTS AND COURTS TOGETHER (PACT)**

20.01. Criteria for eligibility into PACT.

A family becomes eligible for placement in PACT whenever the regular court proceedings pertaining to a resolution of the allocation of parental rights and responsibilities has proven ineffective, including but not limited to mediation and/or the appointment of a Guardian Ad Litem, and/or referral for psychological examination(s); and the parents have exhibited some or all of the following characteristics:

- (A) One or both parents have great difficulty accepting legal advice; multiple attorneys have been retained;

- (B) The parents have exhibited extreme difficulties in settling issues pertaining to the allocation of parental rights and responsibilities;
- (C) One or both parents are alleging parental alienation, substance abuse, domestic violence, sexual abuse, or neglectful parenting traits;
- (D) The allegation made by one parent against the other “mirror” those made by the other parent;
- (E) There is a restraining order in effect between the parents;
- (F) The parents have exhibited an extremely derogatory attitude and behavior toward each other;
- (G) The parents are merging their own needs and feelings with those of the minor children.

20.02. Determining eligibility for PACT.

- (A) The Court Counseling Department shall determine whether a family shall be eligible for PACT, with or without a referral from a Guardian Ad Litem, or a Judge or Magistrate of the Court.
- (B) The Court Counseling Department shall provide a written report to substantiate a recommendation that a family should be placed in PACT, which shall set forth a history of the case, an outline of the specific attendant problems, and a course of treatment for the family which may include, but is not limited to a particular course of counseling with a designated provider (including applicable time tables); and/or referral to educational programs designed for high conflict families; and/or a recommendation for the appointment of a parenting coordinator.
- (C) The Court Counseling Department shall notify the assigned Judge of the recommendation by forwarding the written report as set forth above.

20.03. Obligation of the Court.

- (A) Unless the Court determines that participation in PACT is not in the best interest of the child(ren), the Court shall issue a Notice and Order to both parties, their attorneys and the Guardian Ad Litem indicating that the parties have been referred to PACT and provide a copy of the report of the Court Counseling Department. The Court may excise any portion of that report as determined by the best interest of the child(ren). Any party may file a motion to set aside the referral to PACT, setting forth objection(s) with particularity. That motion shall be set for hearing before the Court within ten (10) days, unless additional time, not to exceed ten (10) days is granted.
- (B) To monitor the progress and compliance of the parties with the course of treatment as ordered, the Court shall set review hearings at intervals not greater than sixty (60) days. Failure to comply with the Court's Order or failure to attend review hearing may result in a finding of contempt of court, and such other remedies as the Court deems appropriate.
- (C) The granting of a divorce shall not effect the Court's continuing jurisdiction to monitor the progress and compliance of the parties. The divorce decree shall incorporate all of the terms and conditions of PACT as a part of the allocation of parental rights and responsibilities. Participation in PACT shall continue until the Court determines that the family no longer benefits from participation.

20.04. Appointment of Parenting Coordinator.

- (A) The appointment of a Parenting Coordinator shall be considered in those cases where the parents are in such a state of conflict that they are unable to agree upon the implementation of the allocation of parental rights and responsibilities and/or parenting time. Such appointment shall be with the consent of the parents who shall be responsible for entering into a written agreement with the Parenting Coordinator regarding length of term, amount and manner of compensation, and authority to make decisions regarding the minor child(ren). The decision making authority of the Parenting Coordinator shall not effect the Courts exclusive jurisdiction to determine the allocation of parental rights and responsibilities or the parenting time. Such decision making authority shall be limited to any of the following day-to-day issues;
 - (1) dates, time and method of pick up and delivery;
 - (2) minor or occasional adjustment in vacations or holiday schedules;

- (3) transportation to and from parenting time;
 - (4) participation in child care/daycare and babysitting.
 - (5) school attendance, homework;
 - (6) bedtime;
 - (7) diet;
 - (8) clothing;
 - (9) sports, lessons and recreation;
 - (10) enrichment activities and summer camp;
 - (11) discipline;
 - (12) parent participation in routine at-home health care and hygiene;
 - (13) occasional schedule adjustments which do not substantially alter the basic time share agreement;
 - (14) participation in parenting time by significant others, relatives, etc.;
 - (15) communication between parents and between parents and children.
- (B) The Parenting Coordinator shall not be given authority to make any decision which materially alters the existing time sharing arrangement or any change of physical custody of the minor children.
- (C) The Parenting Coordinator shall attempt to facilitate a resolution of any dispute between the parents prior to making any decision.
- (D) Any decision made by the Parenting Coordinator shall become effective when made. A written report of any decision made by the Parenting Coordinator shall be filed with the Court within forty-eight (48) hours. Any such decision shall continue in effect unless modified or set aside by the Court upon the motion of either party. In the event legal action becomes necessary to enforce any decision of the Parenting Coordinator, the non-prevailing party shall be responsible for the cost including reasonable attorneys fees of the other party.
- (E) The Parenting Coordinator shall have the status of a Guardian Ad Litem with all rights and privileges attendant thereto.
- (F) Both parties shall participate in the dispute resolution process as defined by the parenting coordinator, and shall be available upon request. The parenting coordinator shall have the right:
- (1) to require the parties to execute all releases deemed necessary by the Parenting Coordinator;
 - (2) to interview the parties, attorneys or child(ren) in any combination, and to exclude any party or attorney from such interview;
 - (3) to have reasonable access to the child(ren) with adequate notice;
 - (4) to have access to any therapist or any of the parties or child(ren), and access to school or medical records;
 - (5) to obtain releases for any evaluation, psychological testing, or test results performed on any child(ren) or any parent or custodian or guardian or the child(ren), including releases needed to speak directly with the relevant professionals;
 - (6) to have access to educators of the child(ren);
 - (7) to obtain copies of past and future pleadings relating to custody and parenting issues within seven (7) calendar days after filing;
 - (8) to obtain all relevant records, documentation, and information deemed necessary by

the Parenting Coordinator.

20.05. Qualifications of the Parenting Coordinator.

Any Parenting Coordinator employed by the parties, or with whom the Court makes referrals, shall have the following minimum qualifications:

- (A) Education
 - (1) Attorney
 - (2) Social Worker or Counselor licensed at independent level
 - (3) Psychologist
- (B) Experience
 - (1) 5 years of experience in areas related to family law. Useful skills would include knowledge of or experience with family dynamics, divorce, child development, mediation, conflict resolution, arbitration, and anger management.
- (C) Philosophy
 - (1) Consistent with the Court and the best interests of the child.
- (D) Tasks
 - (1) Solve problems that generate conflict between the parents and keep the child out of the middle of the conflict.
 - (2) Help develop/fine tune the parenting plan and monitor its implementation.
 - (3) Assessment of needs of the family (analyze the situation and prioritize the problems), intervention, and education.
 - (4) Communicating with all who impact on the clients and their conflict. This could be therapist, family members, etc.

**RULE 21
APPOINTMENT OF COUNSEL**

21.01. Except in cases where one party has requested a finding of contempt and incarceration, the Court will not appoint counsel to indigent parties. In those case in which the Court deems that the party shall be appointed an attorney for representation, the Court shall appoint counsel from a list of attorneys prepared by the Court. Attorneys shall be placed upon the appointment list if the following qualifications are met:

- (A) The attorney is in good standing;
- (B) Has experience in the area of family law;
- (C) Has made application for appointment;
- (D) Provides proof of liability insurance.

21.02. At the conclusion of the case, the appointed attorney shall complete the required form for payment of fees. In accepting the appointment, the attorney shall agree to accept no compensation in addition to that awarded by the Court.

21.03. The Court shall periodically review the appointment list to assure the equitable distribution of appointments.

**RULE 22
CONCURRENT JURISDICTION WITH OTHER COURTS**

22.01. It shall be the obligation of any party initiating any action in this Court to inform the Court of the status of any other action requested from another Court, and the result of said request, or any existing matters of any other Court.

RULE 23
CASES CERTIFIED TO JUVENILE COURT

23.01. In any case previously certified to the Juvenile Court of Lucas County, Ohio by the Lucas County Domestic Relations Court relative to minor children (excluding U.R.E.S.A. matters):

- (A) If no action was taken in Juvenile Court, the moving party shall first obtain an order from the Juvenile court declining jurisdiction;
- (B) If the matter was docketed in the Juvenile Court, the moving party shall file their motion in the Juvenile Court and request that the matter be assigned for hearing in the Domestic Relations Court. All pleadings shall be captioned in Juvenile Court and shall contain both the Juvenile Court and Domestic Relations docket numbers. An Order of Reference shall be obtained from the Juvenile Court.

RULE 24
QUALIFIED DOMESTIC RELATIONS COURT ORDER

24.01. Preparation.

- (A) Unless otherwise agreed, counsel for the alternate payee entitled to the pension or retirement plan shall prepare the QDRO for submission to the Court.
- (B) Whenever the parties agree to divide a pension or retirement program by a QDRO, they, or their counsel, shall sign and approve the original of a QDRO submitted to the Court, and shall sign and approve any subsequent QDRO submitted to the Court, unless waived by the Court.
- (C) If the Court ordered a division of a pension or retirement program, the Court may assign the responsibility to submit the QDRO to the Court.
- (D) The QDRO shall be prepared as soon as possible for submission to the Court.

24.02. Assumptions.

- (A) Unless otherwise agreed, a QDRO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:
 - (1) The QDRO will be a separate interest QDRO, meaning the alternate payee's benefits shall be independent of those of the participant.
 - (2) The division of benefits shall be based on the language of the case of **Hoyt v. Hoyt**, 53 Ohio St. 3d 177 (1999) and its progeny.
 - (3) The benefits assigned to the alternate payee shall include any and all temporary and supplemental benefits. Further, the benefits assigned to the alternate payee shall include all early retirement subsidies and should the alternate payee commence receipt of benefits prior to participant's retirement the alternate payee's benefits will be recalculated to reflect the subsidy.
 - (4) The alternate payee will be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a pre-retirement survivor annuity.
 - (5) The division of the benefits will be the date of the final hearing of the case.
- (B) Unless otherwise agreed, a QDRO for a defined contribution plan shall contain the following provisions or be governed by these assumptions:
 - (1) The division of benefits will be the date of the final hearing of the case.
 - (2) The alternate payee share of the benefits shall be credited with investment earnings and/or losses from the date of division until Distribution.
 - (3) The QDRO will allow an immediate lump sum distribution of the alternate payee's benefits.
 - (4) Any loans from the Plan shall be charged to the participant's benefits and will remain the obligation of the participant.

- (5) The alternate payee's share of the benefits will not reflect credit for sums deposited into the plan after the date of division which are based on service for periods prior to the date of division.

24.03. Mandatory Language.

In all cases in which a Qualified Domestic Relations Order is to be issued, the final judgment entry shall contain the following language:

- (1) "The Court retains jurisdiction with respect to the Qualified Domestic Relations Order to the extent required to maintain its qualified status and the original intent of the parties. The Court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this order."
- (2) "The participant shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the Qualified Domestic Relations Order, or that may diminish or extinguish the rights and entitlements of the participant."

RULE 25 SPECIAL PROCESS SERVER

25.01. Application.

A person may apply to be designated as a "Special Process Server" for cases filed in the court by filing an application supported by an affidavit setting forth the following information:

- (1) The name, address, and telephone number of the applicant;
- (2) That the applicant is eighteen years of age or older;
- (3) That the applicant agrees not to accept service of process on any case in which the applicant is a party or counsel for a party;
- (4) That the applicant agrees to follow the requirements of Civil Rules 4 through 4.6, any applicable local rules, and specific instruction for service as ordered by the Court in individual cases.

25.02. Order.

The applicant requesting the designation shall submit an order captioned "In Re the Appointment of (name of applicant) As Standing Special Process Server" and stating the following:

"It appearing to the Court that the following applicant has complied with Local Rule 24, (name of applicant) is hereby designated a Standing Special Process Server authorized to make service of process in all cases filed with the Court, and to serve one year from the filing of this Order."

25.03. Filing.

The Order shall be signed by the Administrative Judge of the Domestic Relations Court and shall be filed with the Clerk of Court who shall record the entry upon the Court's Special Docket and thereafter the Clerk shall accept a file-stamped copy of such order as satisfying the requirements of Civil Rule 4.1 for the designation by the Court as a person authorized to make service of process. The cost of the filing of this application is \$30.00.

RULE 26 PHOTOGRAPHING, RECORDING AND BROADCASTING OF COURT PROCEEDINGS

In compliance with Canon 3(A)(7), Code of Judicial Conduct and Superintendence Rule 12, the Court shall permit the broadcasting, televising, recording or photographing of court proceedings. The term proceedings shall be understood to apply to public hearings by the Court.

- (A) Request for permission to broadcast, televise, record, or photograph in the Courtroom shall be made in writing to the Domestic Relations Court Administrator as far in advance as reasonably practicable but in no event later than twenty-four hours prior to the Court

room session to be broadcast, recorded or photographed unless otherwise permitted by the Judge for good cause shown. Request forms may be obtained from the Court Administrator's office.

- (B) The Court Administrator shall immediately inform the Judge assigned to the case of written media request. The Court Administrator shall also immediately inform the attorneys for all the parties in the case of the media request. If time does not permit notification by mail then telephonic means or notification in person must be attempted. The intent of this Rule is to allow attorneys for all parties an opportunity to be heard prior to the Judge deciding the media request.
- (C) In the event the Judge approves the media request he shall prepare and sign a journal entry setting forth the conditions of media broadcasting, televising, recording or photographing. This entry shall be made a part of the record of the case. Canon 3(A)(7), Code of Judicial Conduct, Superintendency Rule 12, and this Rule shall govern the Judge's granting of the media request.
- (D) In the event of a continuance of the Court proceeding requested to be broadcasted, televised, recorded or photographed for a period of more than 30 days, a new media request shall be required.
- (E) Any equipment which is non-portable shall be set up and ready for operation prior to the commencement of morning or afternoon Court sessions. In no event will persons be permitted to bring equipment into the Courtroom during trial unless such equipment can be easily carried by a single person and without causing distraction or disturbance.
- (F) No media recording or proceedings in the Judge's chambers or accesses thereto shall be permitted except with the express permission of the Judge.
- (G) The Judge, counsel, and witnesses shall not address any remark to or via the media when the Court is in session. In all respects, the trial shall proceed in exactly the same manner as though there were no media recording in progress.
- (H) No media recording shall be made of any document or exhibit before or after such document or exhibit is admitted into evidence, except those which are clearly visible to spectators, e.g., maps, charges, blackboards, etc.
- (I) Permission for media recording shall in no way diminish the ethical requirements applicable to Judges and lawyers respecting comments or the release of information relating to a case in progress.
- (J) Canon 3(A)(7) Code of Judicial Conduct and Superintendency Rule 12 are incorporated herein by reference and adopted into this Rule.
- (K) All media representatives shall be properly attired in the manner which reflects positively upon the media profession. Proper courtroom decorum shall be maintained by all media representatives.
- (L) No personal recording devices shall be permitted in the Courtroom.

Rule 27 COURT SECURITY

In order to maintain appropriate security for the public and Court personnel, the Court may require that all persons entering the Courthouse shall submit to a search of their person or property.

27.01. No weapons or other instruments which may cause bodily harm may be permitted in the Courthouse.

27.02. It shall be the duty of the Court Administrator to supervise and maintain all security in the Courthouse.

27.03. Court Security Plan.

The Court hereby adopts the Court's Security Plan as required by Rule 9 of the Rules of Superintendence of the Supreme Court.

Rule 28
CASE MANAGEMENT RULE

The purpose of this rule is to establish, pursuant to the Rules of Superintendence for Courts of Common Pleas, an automated system for case management which will achieve the prompt and fair disposition of all cases, provide the Court with an efficient means of controlling the flow of civil cases and save time by providing the bar with the information and case management facilities.

28.01. Filing of Complaint.

Upon the filing of a Complaint, the Clerk of Court will attempt service upon the defendant by certified mail. Once proof of service has been obtained, the Clerk will notify the Assignment Commissioner of the date of the service. The Assignment Commissioner shall classify the action as Uncontested Divorce, Contested Divorce, Dissolution with children, or dissolution without children. All divorces shall be initially classified as uncontested until such time as the Clerk of Court notifies the Assignment Commissioner that an Answer has been filed. Upon receipt of this notice, the matter shall be classified as a Contested Divorce. Once the action has been classified, the matter shall be set upon the appropriate docket of the assigned Judge.

(A) Uncontested Divorce.

An action classified as an Uncontested Divorce shall be scheduled for initial hearing not earlier than six (6) weeks nor later than fifteen (15) weeks after the complaint for divorce has been filed. An Uncontested Divorce with children shall be scheduled no later than seventy-two (72) weeks after the complaint has been filed. An Uncontested Divorce without children shall be concluded no later than fifty-two (52) weeks after the complaint has been filed.

(B) Contested Divorce.

An action classified as a Contested Divorce shall be scheduled for initial hearing (pre-trial) not earlier than eight (8) weeks nor later than seventeen (17) weeks after the complaint for divorce has been filed. A Contested Divorce with children shall be concluded no later than seventy-two (72) weeks after the complaint has been filed unless the issue or issues are unduly complicated. A Contested Divorce without children shall be concluded no later than fifty-two (52) weeks after the complaint has been filed.

(C) Dissolution with Children.

An action classified as a dissolution with children shall be scheduled for hearing not earlier than sixty (60) days nor later than seventy-five (75) days after the petition for dissolution has been filed. A Dissolution with children shall be concluded no later than ninety (90) days after the petition for dissolution has been filed unless the issue or issues are unduly complicated.

(D) Case Management Conference.

The first hearing (pre-trial) date given by the Assignment Commission shall be considered the case management conference. Attorneys for parties and any pro se parties served shall be given notice of the Case Management Conference. Attorneys and parties, if required, shall appear with full authority to settle. Whether the parties are required to attend the Case Management Conference is subject to the policy of the assigned Judge.

(E) Trials.

The procedure regarding matters that are set for trial is subject to the policy of the assigned judge. In any event, attorneys and parties shall attend a settlement conference no later than the day before the trial or at an earlier date designated by the assigned Judge. The purpose of the settlement conference is to resolve all matters in dispute thus alleviating the necessity of a trial.

(F) Continuances.

Continuances of matters placed upon the docket of the assigned Judge shall only be granted upon the approval of the assigned Judge. Continuances shall be made by written motion and only granted upon a showing of good cause.

(G) Motions.

(1) Affidavits.

Each Monday requests for temporary orders filed pursuant to Civil Rule 75(N) shall be considered by a Magistrate. All affidavits shall be scheduled for hearing no sooner than eighteen (18) days after the request has been filed on the next available affidavit docket.

(2) Pending Motions.

All pending motions filed with the Court shall be placed upon the docket of a Magistrate unless otherwise directed by the assigned Judge. Pending motions shall be set for the hearing no later than five (5) weeks after the motion has been filed. All pending motions shall be concluded no later than twenty-four (24) weeks after the motion has been filed.

(3) Post-decree Motions.

All motions filed after a decree of divorce or dissolution has been entered shall be placed upon the docket of a Magistrate unless otherwise directed by the assigned Judge. Post-decree motions shall be set no later than five (5) weeks after service has been obtained. Motions for modifications of the allocation of parental rights shall be concluded no later than fifty-two (52) weeks after service has been obtained. Motions for visitation and support shall be concluded no later than thirty-six (36) weeks after service has been obtained. All other post-decree motions shall be concluded no later than seventeen (17) weeks after service.

28.02. Alternative Dispute Resolution.

The Court may, at any time during the pendency of an action, require that the parties participate in alternative dispute resolution.